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IMPACT OF THE DRUG EVALUATION AND CLASSIFICATION PROGRAM ON ENFORCEMENT AND ADJUDICATION

The Drug Evaluation and Classification Program (DEC) is a standardized systematic method for law enforcement officers to determine whether observed impairment of drivers (or others) is due to drug use, and if so, to identify the classes of drugs involved. The DEC has evolved and expanded over the years to include over 2,700 Drug Recognition Experts (DREs) in at least 24 states and the District of Columbia. Preusser Research Group recently completed an evaluation of the direct and indirect impact of the DEC on impaired driving arrest and adjudication, sponsored by the National Highway Traffic Safety Administration (NHTSA).

The present DEC methods and procedures are an outgrowth of work carried out by the Los Angeles Police Department (LAPD) during the 1970s. NHTSA, in conjunction with the LAPD, subsequently developed and tested a standard curriculum to train and certify police officers to recognize the behavioral and physiological symptoms associated with major classes of psychoactive drugs. Currently the International Association of Chiefs of Police (IACP) serves as the national certifying agency for Drug Recognition Experts (DREs) and instructors.

Drugs are classified into one of seven categories: Central Nervous System Depressants (e.g., Valium), Central Nervous System Stimulants (e.g., amphetamines), Cannabis (Marijuana), Narcotic Analgesics (e.g., Codeine), Phencyclidine (PCP), Hallucinogens (e.g., LSD), and Inhalants (e.g., glue).

Impaired driving arrest and conviction data from 11 law enforcement agencies in Arizona, California, Colorado, New York, and Texas were compared before and after the initiation of each agency's DEC program. Similar data from 9 state-matched agencies which had not adopted DEC during the time frame of the study were also collected. While these programs started at different times in 1986 or 1987, data collection extended only through 1991.

Across all study sites there was a total of 1,842 cases in which the DREs conducted an evaluation. In 92.9% of the evaluations, the DREs reached the opinion that suspects were under the influence of drugs. When the DRE said the suspects were under the influence of drugs and laboratory test results were available, one or more drugs were found 84% of the time. The lab test detected at least one of the specific drug classes named by the DRE in 74% of the cases with known lab test results. It was possible to obtain sufficiently detailed case disposition data in six sites to allow for a meaningful analysis.

Conviction Rates

All drivers suspected of drugs	65 %
With laboratory confirmation of one or more drugs	88 %
No drugs found by laboratory	53 %
Alcohol-only impaired	80-90 %
Non DRE-evaluated, low BAC	40 %

Overall, 65% of the drivers suspected of being under the influence of drugs were convicted on an impaired driving charge. Conviction rates were higher when the laboratory test confirmed the

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presence of drugs. Some 88% were convicted when one or more drugs were confirmed by the laboratory, compared with guilty findings in 53% of the cases where no drugs were found by the laboratory. Comparable conviction rates for the alcohol-impaired drivers in these sites ranged from approximately 80% to 90%. Conviction rates for non-DRE evaluated low BAC cases were about 40%.

DRE evaluations represented a small percentage (average 2%) of all impaired driving arrests. While the amount of activity per DRE varied considerably, the typical DRE conducted less than one evaluation of a suspected drugged driver per month. DREs rarely were required to testify in court because most defendants plead guilty prior to trial.

The total number of impaired driving arrests, average BAC of those arrested, and conviction rates for low BAC cases did not show any consistent changes associated with the implementation of the DEC program.

The percentage of impaired driving suspects "not booked" (a relatively small number in the sites where these data were available) decreased approximately 33% after implementation of the DEC program.

Prior to the DEC, there were few, if any, drivers being arrested and convicted on drug impaired driving charges in the study sites. After implementation of the DEC, however, drugged driving arrests and convictions increased while there were no comparable increases in the comparison communities.

In general, the number of DRE evaluations, as a percentage of all impaired driving arrests, tended to peak early in the program at about 3-4 percent and then decline to about 1.5 percent.

In summary, in the six sites where the DEC was implemented and adjudication data available, the DREs successfully identified and charged drugged drivers, the drugs were confirmed by toxicology tests in most of the drivers, and most of the drivers were convicted.

For a copy of the technical report, contact: Office of Program Development and Evaluation, NHTSA, NTS-33, 400 Seventh Street, S.W. Washington, DC 20950.

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